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EXAMINER
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HOSSAIN, FARZANA E

ART UNIT	PAPER NUMBER
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2623

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No. 09/991,083	Applicant(s) DUREAU ET AL.	
	Examiner Farzana E. Hossain	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-5,7,8,10-18,20-22,25-37 and 44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,7,8,10-18,20-22,25-37 and 44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This Office Action is in response to communications filed 01/18/2007. Claims 1, 8, 12, 15, 21, 26, 29-31, 35 and 37 are amended. Claims 2-5, 10, 11, 13, 14, 16, 18, 20, 22, 25, 27, 28, 32, 33 and 36 are previously presented. Claims 17 and 34 are original. Claims 6, 9, 19, 23, 24 and 38-43 are cancelled. Claim 44 is new.

### ***Response to Arguments***

2. Applicant's arguments filed 01/18/2007 have been fully considered but they are not persuasive. Applicant argues that Claim 1 has been amended to incorporate features of claim 6 and that Wong citations of paragraphs 0085, 0086 do not disclose the claimed limitation of "tagging is performed on a television program previously stored on a mass storage device at the first location" as the mere disclosure merely provides a basic functional description of the DVR (Pages 12-13).

In response to the arguments, Wong disclose that each program may be formed of program segments stored on the storage device and that the programs segments for shows may be selectively combined such as may be indicated by a token (Page 8, paragraph 0086) and that tokens are transportable data or information that identify a specific audio and/or visual program or a segment of a specific audio or visual program

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(Page 8, paragraph 0089) and therefore, meets the limitation tagging is performed on a television program previously stored on a mass storage device at the first location.

3. Applicant's arguments filed 01/18/2007 have been fully considered but they are not persuasive. Applicant argues that Knudson does not disclose the limitation of tagging is performed on a TV program previously stored on a mass storage device at the first location for Claims 1, 21, and 31 (Page 13).

In response to arguments, Knudson discloses the user tagging clips or selecting clips which were previously stored on a storage device or memory (including mass storage device) at the first location (Column 14, lines 57-64, Column 15, lines 5-10, Column 8, lines 31-34).

4. Applicant's arguments with respect to claim 12 have been considered but are moot in view of the new ground(s) of rejection.

5. Applicant's arguments with respect to claim 35 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Objections***

6. Claims 12 and 15 are objected to because of the following informalities: Claim 12 recites "wherein the message which is stored is stored at the first location." The

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Office assumes "wherein the message which is stored is stored at the first location" to --  
wherein the message is stored at the first location--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1, 3, 4, 13, 21, 31, 33, 34, 44 are rejected under 35 U.S.C. 102(e) as being anticipated by Wong et al (US 2005/0267994 and hereafter referred to as "Wong").

Regarding Claims 1, 21, and 31, Wong discloses a method of recreating data at a remote location in a television system (Figure 4, Pages 8-9, paragraphs 0086, 0093), a client for use in a TV system (Figure 2, Figure 3, Figure 4), and a system of recreating data at a remote location in a television system (Figure 4, Pages 8-9, paragraphs 0086, 0093, Page 6, paragraph 0072), comprising: a receiver or set top box (STB) or first device (Figure 2, 200) configured to receive a programming signal comprising program

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material (Page 6, paragraph 0075), an I/O interface (Figure 2, 230), a first user at the first location (Pages 8-9, paragraphs 0086, 0093, Page 6, paragraph 0072) and a message processing engine or processor configured to (Figure 2, 180 ): tagging first data comprising at least a portion of the program material or selecting the program clips displayed or program in the on screen menu or electronic program guide (EPG) that is of interest (Pages 8-9, paragraphs 0086, 0093, Page 18, paragraph 0173, Page 22, paragraph 0203, 0206, Page 24, paragraph 0222); the portion comprising at least a portion of a television (TV) program or a clip (Pages 8-9, paragraphs 0086, 0093,); generating a message which identifies the first data and at least one remote user at a remote location (Page 5, paragraph 0063, Page 6, paragraph 0072, Pages 8-9, paragraphs 0086, 0093, Page 18, paragraph 0173, Page 22, paragraph 0203, 0206, Page 24, paragraph 0222); and conveying the message to the remote user at the remote location in response to a first indication (Page 5, paragraph 0063, Page 6, paragraph 0072, Pages 8-9, paragraphs 0086, 0093, Page 18, paragraph 0173, Page 22, paragraph 0203, 0206, Page 24, paragraph 0222); a second device or remote user's device receiving and processing the message at the remote location (Pages 8-9, paragraphs 0093-0095) and recreating the first data at the remote location in response to processing the message (Pages 8-9, paragraphs 0093-0095, Page 7, paragraph 0082); receive second data including the first data or selecting a clip identifier to access the clip (Page 18, paragraph 0173, Page 8, paragraph 0093, Page 22, paragraph 0203, 0206, Page 24, paragraph 0222); and capture the first data responsive to processing the message detecting the first data within the received second data (Page 18,

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paragraph 0173, Page 8, paragraph 0093, Page 22, paragraph 0203, 0206, Page 24, paragraph 0222). Wong discloses that a user can store programming on a mass storage device (Page 7, paragraph 0082, Page 8, paragraph 0085). Wong teaches that tagging is performed on a television program previously stored at the first location (Page 8, paragraphs 0085, 0086, 0089).

Regarding Claims 3 and 33, Wong discloses all the limitations of Claims 1 and 31 respectively. Wong discloses the user tagging or selecting a plurality of individual portions of the TV program (Page 8, paragraph 0086), generating a message to identify the plurality of individual portions (Pages 8-9, paragraphs 0093-0095, Page 7, paragraph 0082), identify an order in which the plurality of messages are to be recreated (Page 18, paragraph 0173, Page 8, paragraph 0093, Page 22, paragraph 0203, 0206, Page 24, paragraph 0222) and recreating the plurality of individual portions at the remote location in response to processing the message or the user can select program segments of the TV program and generate a message with the segments (Pages 8-9, paragraphs 0093-0095, Page 7, paragraph 0082).

Regarding Claim 4, Wong discloses all the limitations of Claim 3. Wong discloses a message including segments with corresponding tokens which are to be recreated of various portions in a different order than originally presented in the particular program or request specific program segments and recreated would not be the original program (Page 24, paragraph 0222, Page 18, paragraph 0173, Page 19, paragraph 0178, Page 22, paragraph 0203, 0206).

Regarding Claim 10, Wong discloses all the limitations of Claim 1. Wong discloses the message identifies a plurality of members of a viewing audience and wherein the message is conveyed to those members or one or more individuals (Page 5, paragraph 0063, Pages 8-9, paragraph 0093).

Regarding Claim 13, Wong discloses all the limitations of Claim 1. Wong discloses that the message is conveyed from the first location to the remote location in a peer-to-peer mode, wherein the processing at the remote location comprises performing a security check and wherein recreating the first data at the remote location is in further response to determine the message passes the security check (Pages 8-9, paragraph 0093-0095).

Regarding Claims 34, Wong discloses all the limitations of Claim 31. Wong discloses second device is configured to generate a request for the second data and wherein the second data or token is conveyed from the remote content server to the second device in response to the request (Pages 8-9, paragraphs 0093, 0095, Page 18, paragraph 0173, Page 22, paragraph 0203, 0206, Page 24, paragraph 0222).

Regarding Claim 44, Wong discloses all the limitations of Claim 1. Wong discloses that the portion comprises less than a whole of a television program (Page 8, paragraphs 0086, 0089).

9. Claims 3, 17, 21, 31, 33, 44 are rejected under 35 U.S.C. 102(e) as being anticipated by Knudson et al (US 6,526,577 and hereafter referred to as "Knudson").



Regarding Claims 21 and 31, Knudson discloses a method of recreating data at a remote location in a television system (Figure 18, Column 14, lines 15-21), a client for use in a TV system (Figure 3, Figure 18, 1821), and a system of recreating data at a remote location in a television system (Figure 18, Figure 3, Column 14, lines 15-21), comprising: a receiver or set top box (STB) or first device (Figure 3, 28) configured to receive a programming signal comprising program material (Figure 3, 26), an I/O interface (Figure 1, 37), a first user at the first location (Figure 18, Column 14, lines 15-21, 58-67, Column 15, lines 5-11) and a message processing engine or STB with processing circuitry configured to (Column 7, lines 28-30, Figure 18): tagging first data comprising at least a portion of the program material or selecting the program clips displayed or program in the on screen menu or electronic program guide (EPG) that is of interest (Figure 18, Column 14, lines 15-21, 58-67, Column 15, lines 5-11); the portion comprising less than a whole of a television (TV) program or a clip (Figure 18, Column 14, lines 15-21, 58-67, Column 15, lines 5-11); generating a message which identifies the first data and at least one remote user at a remote location (Figure 18, Column 14, lines 15-21, 58-67, Column 15, lines 5-11); and conveying the message to the remote user at the remote location in response to a first indication (Figure 18, Column 14, lines 15-21, 58-67, Column 15, lines 5-11); processing the message at the remote location (Figure 18, Column 14, lines 15-21, 58-67, Column 15, lines 5-11) and recreating the first data at the remote location in response to processing the message (Figure 18, Column 14, lines 15-21, 58-67, Column 15, lines 5-11); and a second device configured to: receive and process the message (Figure 3, Column 7, lines 28-30, Figure 18,

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Column 14, lines 15-21, 58-67, Column 15, lines 5-11); receive second data including the first data or selecting a clip identifier to access the clip (Column 15, lines 5-11); and capture the first data responsive to processing the message detecting the first data within the received second data (Figure 3, Column 7, lines 28-30, Figure 18, Column 14, lines 15-21, 58-67, Column 15, lines 5-11). Knudson disclose that tagging is performed on a television program previously stored on a storage device or memory at the first location (Column 14, lines 64-67, Column 15, lines 5-10). Knudson discloses that a storage device or memory can be a mass storage device (Column 8, lines 31-34).

Regarding Claim 3, Knudson discloses a method of recreating data at a remote location in a television system (Figure 18, Column 14, lines 15-21), a client for use in a TV system (Figure 3, Figure 18, 1821), and a system of recreating data at a remote location in a television system (Figure 18, Figure 3, Column 14, lines 15-21), comprising: a receiver or set top box (STB) or first device (Figure 3, 28) configured to receive a programming signal comprising program material (Figure 3, 26), an I/O interface (Figure 1, 37), a first user at the first location (Figure 18, Column 14, lines 15-21, 58-67, Column 15, lines 5-11) and a message processing engine or STB with processing circuitry configured to (Column 7, lines 28-30, Figure 18): tagging first data comprising at least a portion of the program material or selecting the program clips displayed or program in the on screen menu or electronic program guide (EPG) that is of interest (Figure 18, Column 14, lines 15-21, 58-67, Column 15, lines 5-11); the portion comprising less than a whole of a television (TV) program or a clip (Figure 18, Column 14, lines 15-21, 58-67, Column 15, lines 5-11); generating a message which identifies

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the first data and at least one remote user at a remote location (Figure 18, Column 14, lines 15-21, 58-67, Column 15, lines 5-11); and conveying the message to the remote user at the remote location in response to a first indication (Figure 18, Column 14, lines 15-21, 58-67, Column 15, lines 5-11); processing the message at the remote location (Figure 18, Column 14, lines 15-21, 58-67, Column 15, lines 5-11) and recreating the first data at the remote location in response to processing the message (Figure 18, Column 14, lines 15-21, 58-67, Column 15, lines 5-11); and a second device configured to: receive and process the message (Figure 3, Column 7, lines 28-30, Figure 18, Column 14, lines 15-21, 58-67, Column 15, lines 5-11); receive second data including the first data or selecting a clip identifier to access the clip (Column 15, lines 5-11); and capture the first data responsive to processing the message detecting the first data within the received second data (Figure 3, Column 7, lines 28-30, Figure 18, Column 14, lines 15-21, 58-67, Column 15, lines 5-11). Knudson disclose that tagging is performed on a television program previously stored on a storage device or memory at the first location (Column 14, lines 64-67, Column 15, lines 5-10). Knudson discloses that a storage device or memory can be a mass storage device (Column 8, lines 31-34).

Regarding Claim 17, Knudson discloses a method of recreating data at a remote location in a television system (Figure 18, Column 14, lines 15-21), a client for use in a TV system (Figure 3, Figure 18, 1821), and a system of recreating data at a remote location in a television system (Figure 18, Figure 3, Column 14, lines 15-21), comprising: a receiver or set top box (STB) or first device (Figure 3, 28) configured to receive a programming signal comprising program material (Figure 3, 26), an I/O

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interface (Figure 1, 37), a first user at the first location (Figure 18, Column 14, lines 15-21, 58-67, Column 15, lines 5-11) and a message processing engine or STB with processing circuitry configured to (Column 7, lines 28-30, Figure 18): tagging first data comprising at least a portion of the program material or selecting the program clips displayed or program in the on screen menu or electronic program guide (EPG) that is of interest (Figure 18, Column 14, lines 15-21, 58-67, Column 15, lines 5-11); the portion comprising less than a whole of a television (TV) program or a clip (Figure 18, Column 14, lines 15-21, 58-67, Column 15, lines 5-11); generating a message which identifies the first data and at least one remote user at a remote location (Figure 18, Column 14, lines 15-21, 58-67, Column 15, lines 5-11); and conveying the message to the remote user at the remote location in response to a first indication (Figure 18, Column 14, lines 15-21, 58-67, Column 15, lines 5-11); processing the message at the remote location (Figure 18, Column 14, lines 15-21, 58-67, Column 15, lines 5-11) and recreating the first data at the remote location in response to processing the message (Figure 18, Column 14, lines 15-21, 58-67, Column 15, lines 5-11); and a second device configured to: receive and process the message (Figure 3, Column 7, lines 28-30, Figure 18, Column 14, lines 15-21, 58-67, Column 15, lines 5-11); receive second data including the first data or selecting a clip identifier to access the clip (Column 15, lines 5-11); and capture the first data responsive to processing the message detecting the first data within the received second data (Figure 3, Column 7, lines 28-30, Figure 18, Column 14, lines 15-21, 58-67, Column 15, lines 5-11). Knudson disclose that tagging is performed on a television program previously stored on a storage device or memory at

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the first location (Column 14, lines 64-67, Column 15, lines 5-10). Knudson discloses that a storage device or memory can be a mass storage device (Column 8, lines 31-34). Knudson disclose that the processing the first data comprises generating a request for the first data and conveying the request to a remote content server or library (Column 15, lines 7-11).

Regarding Claim 33, Knudson discloses all the limitations of Claim 31. Knudson discloses the user tagging a plurality of individual portions of the TV program, generating a message to identify the plurality of individual portions, and recreating the plurality of individual portions at the remote location in response to processing the message or the user can select TV clips of the TV program and generate a message with the clips (Figure 3, Column 7, lines 28-30, Figure 18, Column 14, lines 15-21, 58-67, Column 15, lines 5-11).

Regarding Claim 44, Knudson discloses a method of recreating data at a remote location in a television system (Figure 18, Column 14, lines 15-21), a client for use in a TV system (Figure 3, Figure 18, 1821), and a system of recreating data at a remote location in a television system (Figure 18, Figure 3, Column 14, lines 15-21), comprising: a receiver or set top box (STB) or first device (Figure 3, 28) configured to receive a programming signal comprising program material (Figure 3, 26), an I/O interface (Figure 1, 37), a first user at the first location (Figure 18, Column 14, lines 15-21, 58-67, Column 15, lines 5-11) and a message processing engine or STB with processing circuitry configured to (Column 7, lines 28-30, Figure 18): tagging first data comprising at least a portion of the program material or selecting the program clips

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displayed or program in the on screen menu or electronic program guide (EPG) that is of interest (Figure 18, Column 14, lines 15-21, 58-67, Column 15, lines 5-11); the portion comprising less than a whole of a television (TV) program or a clip (Figure 18, Column 14, lines 15-21, 58-67, Column 15, lines 5-11); generating a message which identifies the first data and at least one remote user at a remote location (Figure 18, Column 14, lines 15-21, 58-67, Column 15, lines 5-11); and conveying the message to the remote user at the remote location in response to a first indication (Figure 18, Column 14, lines 15-21, 58-67, Column 15, lines 5-11); processing the message at the remote location (Figure 18, Column 14, lines 15-21, 58-67, Column 15, lines 5-11) and recreating the first data at the remote location in response to processing the message (Figure 18, Column 14, lines 15-21, 58-67, Column 15, lines 5-11); and a second device configured to: receive and process the message (Figure 3, Column 7, lines 28-30, Figure 18, Column 14, lines 15-21, 58-67, Column 15, lines 5-11); receive second data including the first data or selecting a clip identifier to access the clip (Column 15, lines 5-11); and capture the first data responsive to processing the message detecting the first data within the received second data (Figure 3, Column 7, lines 28-30, Figure 18, Column 14, lines 15-21, 58-67, Column 15, lines 5-11). Knudson disclose that tagging is performed on a television program previously stored on a storage device or memory at the first location (Column 14, lines 64-67, Column 15, lines 5-10). Knudson discloses that a storage device or memory can be a mass storage device (Column 8, lines 31-34). Knudson disclose that the portion comprises less than a whole of a television program (Column 14, lines 15-21, 58-67, Column 15, lines 5-11).

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10. Claim 35 is rejected under 35 U.S.C. 102(e) as being anticipated by McKissick et al (US 2006/0190966 and hereafter referred to as "McKissick").

Regarding Claim 35, McKissick discloses a system for recreating data at a remote location in a TV system comprising (Page 12, paragraph 0125): a TV system configured to convey a broadcast signal include cable system operators (Page 3, paragraph 0051-0055, Page 6, paragraph 0076); a plurality of receiving devices coupled to receive the broadcast signal (Figure 1, 20, Figure 2A, 88, 92, Figure 2B, 97, 98); a central repository or video library at the program guide distribution facility configured to store a plurality of user created lists or recording video clips or frames at the remote server (Page 12, paragraph 0125), each of the lists identifying a portion of program material or a clip (Page 12, paragraph 0125), wherein each of the receiving devices is coupled to access the central repository or the receiving devices can access the remote server (Page 12, paragraph 0125), wherein each of the receiving devices may initiate a conveyance of a first list stored in the central repository to the accessing receiving devices (Page 12, paragraph 0125), wherein in response to receiving the first list; the first receiving device is configured to recreate programming material identified by the first list at the first receiving device (Page 12, paragraphs 0125, 0128).

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 2, 22, 25, 27, 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wong in view of Agnihotri et al (US 6,751,398 and hereafter referred to as "Agnihotri").

Regarding Claims 2, 22, 32, Wong disclosed all the limitations of Claims 1, 21, 31 respectively. Wong discloses that a user can convey a message with an action to record a first data or segment or program (Pages 8-9, paragraph 0086, 0093) to another user at a remote location. Wong is silent on that the first data is recreated at the remote location from data previously stored at the remote location. Agnihotri discloses that a user can receive a programming signal or first data from an external source or remote location and recording the signal to be displayed (Column 4, lines 10-15) and discloses the recorder being able to detect if the first data has already been recorded so that the first data is recreated or displayed at the remote location only from the previously stored data at the remote location (Figure 4, 410, 425, 450). Therefore, it would have been obvious to one of ordinary skill in the art to modify Wong to include that the receiver includes the first data is recreated at the remote location from data previously stored at the remote location by detecting the data at the recorder of the remote location (Figure 4, 410, 425, 450) as taught by Agnihotri in order to not allow a recorder to record an additional version of a program (Column 2, lines 21-24) as disclosed by Agnihotri.



Regarding Claim 25, Wong and Agnihotri disclose all the limitations of Claim 22. Wong discloses the user tagging or selecting a plurality of individual portions of the TV program (Page 8, paragraph 0086), generating a message to identify the plurality of individual portions (Pages 8-9, paragraphs 0093-0095, Page 7, paragraph 0082), identify an order in which the plurality of messages are to be recreated (Page 18, paragraph 0173, Page 8, paragraph 0093, Page 22, paragraph 0203, 0206, Page 24, paragraph 0222) and recreating the plurality of individual portions at the remote location in response to processing the message or the user can select program segments of the TV program and generate a message with the segments (Pages 8-9, paragraphs 0093-0095, Page 7, paragraph 0082).

Regarding Claim 27, Wong and Agnihotri disclose all the limitations of Claim 25. Wong discloses a message including segments with corresponding tokens which are to be recreated of various portions in a different order than originally presented in the particular program or request specific program segments and recreated would not be the original program (Page 24, paragraph 0222, Page 18, paragraph 0173, Page 19, paragraph 0178, Page 22, paragraph 0203, 0206).

13. Claims 5, 7, 8, 18, 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wong in view Lippincott (US 7,020,891).

Regarding Claim 5, Wong disclose all the limitations of Claim 1. Wong is silent on tagging performed during a broadcast of the TV program. Lippincott discloses a first receiver which receives and process first data or VOD program (Figure 1, 130, 110,

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Column 2, lines 31-34), tagging first data which is a portion of the program or a segment (Column 2, lines 31-34), generating a message and conveying the message to a remote user (Column 4, lines 20-45). Lippincott discloses tagging is performed during a broadcast of the TV program (Column 2, lines 31-34). Therefore, it would have been obvious to one of ordinary skill in the art to modify Wong to include tagging is performed during a broadcast of the TV program (Column 2, lines 31-34) as taught by Lippincott in order to provide a manner to send segments of interest to other users without needing large memory capacity and avoiding intellectual property infringements (Column 4, lines 45-47) and an easier, more convenient manner to select segments and sent the segments to people.

Regarding Claim 7, Wong and Lippincott disclose all the limitations of Claim 5. Lippincott discloses the program material is tagged or selected by the user as it is first received via the programming signal (Column 2, lines 31-34).

Regarding Claim 8, Wong discloses all the limitations of Claim 1. Wong is silent on the program matter is tagged while being replayed from a mass storage device at the first location. Lippincott discloses the program material is tagged or selected by the user while being replayed from a mass storage device at the first location (Column 2, lines 39-49, Figure 1, 140). Therefore, it would have been obvious to one of ordinary skill in the art to modify Wong to include the program material is tagged or selected by the user while being replayed from a mass storage device at the first location (Column 2, lines 39-49, Figure 1, 140) as taught by Lippincott in order to provide a manner to send segments of interest to other users without needing large memory capacity and

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avoiding intellectual property infringements (Column 4, lines 45-47) and an easier, more convenient manner to select segments and sent the segments to people.

Regarding Claim 17, Wong discloses all the limitations of Claim 1. Wong is silent on the processing the first data comprises generating a request for the first data and conveying the request to a remote content server or library. See rejection of claim 5. Lippincott discloses that the processing the first data comprises generating a request for the first data and conveying the request to a remote content server (Column 4, lines 34-39). Therefore, it would have been obvious to one of ordinary skill in the art to modify Wong to include the processing the first data comprises generating a request for the first data and conveying the request to a remote content server (Column 4, lines 34-39) as taught by Lippincott in order to provide a manner to send segments of interest to other users without needing large memory capacity and avoiding intellectual property infringements (Column 4, lines 45-47) and an easier, more convenient manner to select segments and sent the segments to people.

Regarding Claim 18, Wong discloses all the limitations of Claim 13. Wong is silent on tagging performed during a broadcast of the TV program. Lippincott discloses a first receiver which receives and process first data or VOD program (Figure 1, 130, 110, Column 2, lines 31-34), tagging first data which is a portion of the program or a segment (Column 2, lines 31-34), generating a message and conveying the message to a remote user (Column 4, lines 20-45). Lippincott discloses recreating the first data comprising receiving the first data in response to a request (Column 4, lines 34-39). Therefore, it would have been obvious to one of ordinary skill in the art to modify Wong

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to include tagging is performed during a broadcast of the TV program (Column 2, lines 31-34) as taught by Lippincott in order to provide a manner to send segments of interest to other users without needing large memory capacity and avoiding intellectual property infringements (Column 4, lines 45-47) and an easier, more convenient manner to select segments and sent the segments to people.

Regarding Claim 29, Wong disclose all the limitations of Claim 21. Wong is silent on tagging the TV program as it is replayed from the mass storage device coupled to the processing engine. Lippincott discloses a first receiver which receives and process first data or VOD program (Figure 1, 130, 110, Column 2, lines 31-34), tagging first data which is a portion of the program or a segment (Column 2, lines 31-34), generating a message and conveying the message to a remote user (Column 4, lines 20-45).

Lippincott discloses the program material is tagged or selected by the user while being replayed from a mass storage device at the first location (Column 2, lines 39-49, Figure 1, 140). Therefore, it would have been obvious to one of ordinary skill in the art to modify Wong to include the program material is tagged or selected by the user while being replayed from a mass storage device at the first location (Column 2, lines 39-49, Figure 1, 140) as taught by Lippincott in order to provide a manner to send segments of interest to other users without needing large memory capacity and avoiding intellectual property infringements (Column 4, lines 45-47) as disclosed by Lippincott and an easier, more convenient manner to select segments and sent the segments to people.

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14. Claims 11, 14, 20, 28, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wong in view of McKissick.

Regarding Claims 11 and 14, Wong discloses all the limitations of Claim 1. Wong discloses the recipient accessing the message, processing the message at the second location; and recreating the first data at the second location in response to processing the message (Figure 2, Figure 3, Pages 8-9, paragraph 0093, Figure 10a-c, Figures 21-22). Wong is silent on storing the message and making the stored message available for access by other users; a second user at a second location retrieving the message. McKissick discloses a user selecting segments (Page 12, paragraph 0125) and sending a message with the segments (Page 12, paragraph 0125). McKissick discloses storing the message at a remote server (Page 13, paragraph 0132) and making the stored message available for access by other users (Page 13, paragraph 0132); a second user at a second location retrieving the message (Page 13, paragraphs 0132-0133), processing the message at the second location or using the set top box application to perform necessary functions (Page 13, paragraph 0132); and recreating the first data at the second location in response to processing the message or allowing the viewer to view the data including the video clips (Page 12, paragraph 0125, Figure 19). McKissick discloses tagging is performed on a television program previously stored on a storage device at the first location (Page 12, paragraph 0125). Therefore, it would have been obvious to one of ordinary skill in the art to modify Wong to include storing the message (Page 13, paragraph 0132) and making the stored message available for access by other users (Page 13, paragraph 0132); a second user at a

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second location retrieving the message (Page 13, paragraphs 0132-0133) as taught by McKissick in order to provide a easier way to send messages to viewers of like interests while watching programming (Page 1, paragraph 0009) as disclosed by McKissick.

Regarding Claim 20, Wong and McKissick disclose all the limitations of Claim 11. McKissick discloses further comprising accessing messages based on categories, program, or channel or searching the central repository or message server (Page 13, paragraph 0133), identifying one or more messages matching search criteria (Page 13, paragraph 0133), and initiating conveyance of at least one of one or more messages from the central repository to a user (Page 13, paragraph 0133).

Regarding Claim 28, Wong discloses all the limitations of Claim 21. Wong discloses the recipient accessing the message, processing the message at the second location; and recreating the first data at the second location in response to processing the message (Figure 2, Figure 3, Pages 8-9, paragraph 0093, Figure 10a-c, Figures 21-22). Wong is silent on storing the message and making the stored message available for access by other users, a second user at a second location retrieving the message. McKissick discloses a user selecting segments (Page 12, paragraph 0125) and sending a message with the segments (Page 12, paragraph 0125). McKissick discloses storing the messages at a remote location (Page 13, paragraph 0132) and making the stored message available for access by other users (Page 13, paragraph 0132); accessing messages with the video clips which meets the limitation edit list based on categories, program, or channel or searching the central repository or message server (Page 13, paragraph 0133), identifying one or more messages matching search criteria (Page 13,

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paragraph 0133), and initiating conveyance of at least one of one or more messages or edit lists to a user (Page 13, paragraphs 0132-0133, Page 12, paragraph 0125, Figure 19). Therefore, it would have been obvious to one of ordinary skill in the art to modify Wong to include searching a remote location for edit lists (Page 13, paragraph 0133), identifying one or more messages or edit list matching search criteria (Page 13, paragraph 0133), and initiating conveyance of at least one of one or more messages or edit lists to a user (Page 13, paragraphs 0132-0133, Page 12, paragraph 0125, Figure 19) as taught by McKissick in order to provide a easier way to send messages to viewers of like interests while watching programming (Page 1, paragraph 0009) as disclosed by McKissick.

Regarding Claim 30, Wong discloses all the limitations of Claim 21. Wong discloses the recipient accessing the message, processing the message at the second location; and recreating the first data at the second location in response to processing the message (Figure 2, Figure 3, Pages 8-9, paragraph 0093, Figure 10a-c, Figures 21-22). Wong is silent on storing the message and making the stored message available for access by other users, a second user at a second location retrieving the message. McKissick discloses a user selecting segments (Page 12, paragraph 0125) and sending a message with the segments (Page 12, paragraph 0125). McKissick discloses storing the message at a remote server (Page 13, paragraph 0132) and making the stored message available for access by other users (Page 13, paragraph 0132); a second user at a second location retrieving the message (Page 13, paragraphs 0132-0133), processing the message at the second location or using the set top box application to

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perform necessary functions (Page 13, paragraph 0132); and recreating the first data at the second location in response to processing the message or allowing the viewer to view the data including the video clips (Page 12, paragraph 0125, Figure 19).

15. Claims 12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKissick in view of Niamir (US 2002/0027567).

Regarding Claim 12, McKissick discloses a method for recreating data at a remote location in a television system comprising: a first user in a television system comprising: a first user at a first location (Page 12, paragraph 0125); tagging first data comprising at least a portion of program material (Page 12, paragraph 0125), the portion comprising at least a portion of a television program (Page 12, paragraph 0125); generating a message which identifies the first data (Page 12, paragraph 0125); and storing the message and making the stored message available for access by other users (Page 12, paragraph 0125); a second user at a second location retrieving the message (Page 12, paragraph 0125); processing at the second location processing (Page 12, paragraph 0125-0128, Page 13, paragraph 0132); and recreating the first data the second location in response to processing the message (Page 12, paragraph 0125-0128, Page 13, paragraph 0132). McKissick discloses that users can transmit messages between user equipment or in a peer mode (Page 6, paragraph 0078) but McKissick is silent on the message is stored at the first location and the stored message is retrieved by the second user from the first location. In analogous art, Niamir disclose generating a message and storing the message for access by other users and the



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second user retrieving the message and processing the message (page 7, paragraph 0091-0093). Niamir discloses the message or listing with attachments are stored at the first location in order to send the listing with attachments directing to the second user (Page 3, paragraph 0033-0037, Page 4, paragraphs 0051 0055, Page 5, paragraph 0057, Page 7, paragraph 0091) and the stored message is retrieved by the second user from the first location (Page 3, paragraph 0033-0037, Page 4, paragraph 0055, Page 5, paragraph 0057, Page 7, paragraph 0091, Abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McKissick to include the message is stored at the first location and the stored message is retrieved by the second user from the first location (Page 3, paragraph 0033-0037, Page 4, paragraph 0055, Page 5, paragraph 0057, Page 7, paragraph 0091, Abstract) as taught by Niamir in order to generate listing on own computers with needing to be connected to central server and communicating generated information with other users without central server (Pages 1-2, paragraph 0014) as disclosed by Niamir.

Regarding Claim 15, McKissick and Niamir disclose all the limitations of Claim 12. Niamir disclose the second user retrieves the message or the listing with attachments from the first location in a peer-to-peer mode (Page 3, paragraph 0033-0037, Page 4, paragraph 0055, Page 5, paragraph 0057, Page 7, paragraph 0091, Abstract).

16. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wong in view of McKissick as applied to claim 14 above, and further in view of Lippincott.

Regarding Claim 16, Wong and McKissick disclose all the limitations of Claim 14. Wong and McKissick are silent on the first data is captured in response to detecting a first signal in a received programming signal, wherein the first signal indicates the first data is included in the programming signal. Lippincott discloses a first receiver which receives and process first data or VOD program (Figure 1, 130, 110, Column 2, lines 31-34), tagging first data which is a portion of the program or a segment (Column 2, lines 31-34), generating a message and conveying the message to a remote user (Column 4, lines 20-45). Lippincott discloses the program material is tagged or selected by the user while being replayed from a mass storage device at the first location (Column 2, lines 39-49, Figure 1, 140). Lippincott discloses first data is captured in response to detecting a first signal in a received programming signal, wherein the first signal indicates the first data is included in the programming signal (Column 2, lines 18-23, 31-34). Therefore, it would have been obvious to one of ordinary skill in the art to modify the combination to include first data is captured in response to detecting a first signal in a received programming signal, wherein the first signal indicates the first data is included in the programming signal (Column 2, lines 18-23, 31-34) as taught by Lippincott in order to provide a manner to send segments of interest to other users without needing large memory capacity and avoiding intellectual property infringements (Column 4, lines 45-47) as disclosed by Lippincott and an easier, more convenient manner to select segments and sent the segments to people.

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17. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wong in view of Niamir.

Regarding Claim 26, Wong discloses all the limitations of Claim 21. Wong discloses the message processing engine is configured to access the mass storage device coupled to the client tagging is performed on a clip that was previously stored on a mass storage device and a token containing program segments or clips is transportable data and can be sent to the (Page 8, paragraphs 0085, 0086). Wong is silent on and the message process engine is configured to recreate data item from data, which is stored on the mass storage device. In analogous art, Niamir disclose generating a message and storing the message for access by other users and the second user retrieving the message and processing the message (page 7, paragraph 0091-0093). Niamir discloses the message or listing with attachments are stored at the first location in order to send the listing with attachments directing to the second user (Page 3, paragraph 0033-0037, Page 4, paragraphs 0051 0055, Page 5, paragraph 0057, Page 7, paragraph 0091) and the stored message is retrieved by the second user from the first location (Page 3, paragraph 0033-0037, Page 4, paragraph 0055, Page 5, paragraph 0057, Page 7, paragraph 0091, Abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wong to include the message processing engine is configured to recreate the data item from data which is stored on the mass storage device (Page 3, paragraph 0033-0037, Page 4, paragraph 0055, Page 5, paragraph 0057, Page 7, paragraph 0091, Abstract) as taught by Niamir in order to generate listing on own computers with needing to be

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connected to central server and communicating generated information with other users without central server (Pages 1-2, paragraph 0014) as disclosed by Niamir.

18. Claims 36, 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKissick in view of Wong.

Regarding Claim 36, McKissick discloses all the limitations of Claim 35.

McKissick discloses sending TV Clips, which recreated would not consist of the entire program (Page 12, paragraph 0125). McKissick discloses that clips or a first data that comprising at least a portion of the received program, the portion comprising less than a whole of a TV program (Page 12, paragraph 0125). Knudson is silent on the second device is configured to generate a request for the second data and wherein the second data is conveyed from the remote content server to the second device in response to the request. Wong discloses that a user can receive a programming signal at a first device (Figure 2, 140) and a user can tag or select first data at least a portion of the program or program segments or programming (Page 8, paragraphs 0086, 0089, Pages 17-18, paragraph 0166, 0169) and conveying a message to a user via email (Page 18, paragraph 0173, Page 8, paragraph 0093, Page 22, paragraph 0203, 0206, Page 24, paragraph 0222); that a second device receives the message and processes the message and receives second data or a token including the first data a program (Page 18, paragraph 0173, Page 8, paragraph 0093, Page 22, paragraph 0203, 0206, Page 24, paragraph 0222) and capturing the first data responsive to processing the message and detecting the first data within the second data (Page 18, paragraph 0173, Page 8,

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paragraph 0093, Page 22, paragraph 0203, 0206, Page 24, paragraph 0222). Wong discloses a message including segments with corresponding tokens which are to be recreated of various portions in a different order than originally presented in the particular program or request specific program segments and recreated would not be the original program (Page 24, paragraph 0222, Page 18, paragraph 0173, Page 19, paragraph 0178, Page 22, paragraph 0203, 0206). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McKissick to include a message including segments with corresponding tokens which are to be recreated of various portions in a different order than originally presented in the particular program or request specific program segments and recreated would not be the original program (Page 24, paragraph 0222, Page 18, paragraph 0173, Page 19, paragraph 0178, Page 22, paragraph 0203, 0206) as taught by Wong in order to provide customers access to perform necessary functions to view the program segment of interest that a friend or peer sent to the viewer.

Regarding Claim 37, Wong and McKissick disclose all the limitations of Claim 36. Wong discloses a message including segments with corresponding tokens which are to be recreated of various portions in a different order than originally presented in the particular program or request specific program segments and recreated would not be the original program (Page 24, paragraph 0222, Page 18, paragraph 0173, Page 19, paragraph 0178, Page 22, paragraph 0203, 0206).

**Conclusion**

19. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farzana E. Hossain whose telephone number is 571-272-5943. The examiner can normally be reached on Monday to Friday 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FEH

March 13, 2007

  
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PRIMARY PATENT EXAMINER